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| APPLICATION NO.         | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 10/705,399              | 11/10/2003  | Satoshi Mizutani     | 20050/0200487-US0   | 4417             |
| 7278                    | 7590        | 11/17/2005           | EXAMINER            |                  |
| DARBY & DARBY P.C.      |             |                      | KIDWELL, MICHELE M  |                  |
| P. O. BOX 5257          |             |                      | ART UNIT            | PAPER NUMBER     |
| NEW YORK, NY 10150-5257 |             |                      | 3761                |                  |

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                               |                                 |  |
|------------------------------|-------------------------------|---------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/705,399 | Applicant(s)<br>MIZUTANI ET AL. |  |
|                              | Examiner<br>Michele Kidwell   | Art Unit<br>3761                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) 4-7 and 11-21 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-3 and 8-10 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims 4 – 7 and 11 – 21 drawn to an invention nonelected with traverse in Paper No. 030705. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 3 and 8 – 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Raidel et al. (WO 98/43684).

With respect to claim 1, Raidel et al. (hereinafter "Raidel") discloses an interlabial pad comprising an absorbing sheet portion (18) facing a body side when the pad is worn, the absorbing sheet portion including an absorbent body (36) that absorbs body fluid, and a support sheet (20) backing the absorbing sheet portion; wherein the interlabial pad is elliptical in shape (figure 2) absorbing sheet portion is formed as an aggregate (44) juxtaposing a plurality of strip-type absorbing areas (28) in a belt shape which include independent absorbent bodies; and wherein the strip-type absorbing areas disposed on a central portion of the absorbing sheet portion form a body fluid

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discharge port contact area that contacts a vicinity of a body fluid discharge port of the user, the strip type absorbing areas are coextensive with the length of the interlabial pad; and wherein the strip-type absorbing areas disposed on both outwardly-folded sides of the absorbing sheet portion form a labia inner wall contact area that contacts an inner wall of the user's labia as set forth in figure 2.

With reference to claim 2, Raidel discloses an interlabial pad comprising an absorbing sheet portion (18) facing a body side when the pad is worn, the absorbing sheet portion including an absorbent body (36) that absorbs body fluid, and a support sheet (20) backing the absorbing sheet portion; wherein the interlabial pad is elliptical in shape (figure 2) absorbing sheet portion is formed as an aggregate (44) juxtaposing a plurality of strip-type absorbing areas (28) in a belt shape which include independent absorbent bodies; and wherein the strip-type absorbing areas disposed on a central portion of the absorbing sheet portion form a body fluid discharge port contact area that contacts a vicinity of a body fluid discharge port of the user, the strip type absorbing areas are coextensive with the length of the interlabial pad; and wherein the strip-type absorbing areas disposed on both outwardly-folded sides of the absorbing sheet portion form a labia inner wall contact area that contacts an inner wall of the user's labia (figure 2) wherein a side end of the labia inner wall contact area comprises an arc-shaped portion; and wherein both edge ends of the arch-shaped portion converge toward edge ends in a longitudinal direction of the body fluid discharge port contact area as set forth in figure 2.

As to claim 3, Raidel discloses an interlabial pad wherein the body fluid discharge port contact area and/or the labia inner wall contact area is divided into a plurality of portions as set forth in figure 2.

Regarding claims 8 – 10, see the abstract and figures 2 – 5.

### ***Response to Arguments***

Applicant's arguments filed September 6, 2005 have been fully considered but they are not persuasive.

With respect to the applicant's arguments that Raidel does not disclose an elliptical interlabial pad wherein the strip-type absorbing areas are coextensive with the length of the interlabial pad, the examiner disagrees. The middle portion of Raidel (shown where figure 2 is cross-sectioned) is considered as the interlabial pad which meets the amended claim limitations.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 571-272-4935. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michele Kidwell  
Primary Examiner  
Art Unit 3761